

# STREAM BUFFER VARIANCE



200 Ashford Center North · Suite 150 · Dunwoody, GA 30338  
(404) 637-0500 · Fax (404) 637-0501 · [www.brookhavenga.gov](http://www.brookhavenga.gov)

## Application for Administrative Variance of Development Standards Per Code 14-34 (c)

Fee: Single Family Residentially Zoned Districts are \$250.00 plus \$50 for each additional variance request. Multi-family, Non-residential and Commercial uses are \$350 plus \$50 for each additional variance request. Fees are non-refundable and payable when the application is filed. Attach a scale site plan showing all property lines with dimensions; location, size and species of all significant and specimen trees; all existing and proposed buildings; storm drains; sanitary sewers; flood plains; state waters; buffers; easements and fences; north arrow; and land lot and district. The plan must depict the exact nature of the site conditions from which the variance is sought (grading, soil erosion and sedimentation control, storm water management, water quality control) per 14-34(c) (3).

\*See checklist for plan requirements.

Applicant \_\_\_\_\_

Address \_\_\_\_\_

Email Address \_\_\_\_\_

Phone # \_\_\_\_\_

Owner \_\_\_\_\_

Address \_\_\_\_\_

Phone # \_\_\_\_\_

Address of property for which the variance is requested \_\_\_\_\_

Type of Variance requested \_\_\_\_\_

14-34(c) (1). Except as further limited herein, an applicant may request a variance from the terms of the requirements of sections 14-37, 14-38, 14-40, and 14-42 of this Chapter 14. The director shall have no power to consider or to grant variances which are the responsibility of the director of the EPD pursuant to O.C.G.A.

§ 12-2-8 and other relevant state statutes and regulations. The director is authorized to consider applications for variance pursuant to this section within the seventy-five foot stream buffer required at section 14-42(i) (2), but not within the twenty-five foot state buffer zone adjacent to waters of the state set forth in section 14-38(b) (4)c.15, wherein the director of the EPD has jurisdiction, provided that the director may authorize placement of a drainage structure or a roadway drainage structure, but not a detention or sedimentation control facility, within said twenty five foot state buffer zone if said structure must be constructed and further provided that adequate erosion control measures are incorporated in the project plans and specifications and adequate erosion control measures are implemented. Where variances involving the same project are requested from both the director of the EPD and the director as set forth above, the director shall take no action on any such request for variance until the director of the EPD shall have granted the variance or otherwise approved the request pending before the EPD. Receiving a variance from the director of the EPD does not obligate the director to permit the project if the project does not also meet all the other requirements of this article.

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14-34(c) (3). In considering any request for a variance to the terms of this Chapter authorized in subsection (1) above, the director shall apply all of the following criteria:

- a. The request, while not strictly meeting the requirements of this Chapter 14, will in the judgment of the director be at least as protective of natural resources and the environment as would a plan which met the strict application of these requirements. In making such a judgment, the director shall examine whether the request will be at least as protective of the natural resources and the environment with regard to the following factors:
  1. Stream bank or soil stabilization.
  2. Trapping of sediment in surface runoff.
  3. Trapping of nutrients, heavy metals, pesticides and other pollutants from surface runoff.
  4. Terrestrial habitat, food chain, and migration corridor.
  5. Buffering of flood flows.
  6. Infiltration of surface runoff.

Applicant  
Response

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- b. By reason of exceptional topographic or other relevant physical conditions of the subject property, which were not created by the owner or applicant, there is no opportunity for any development under and design configuration unless a variance is granted.

Applicant  
Response

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- c. The request does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privileges inconsistent with the limitations upon other properties which are similarly situated.

Applicant  
Response

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- d. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the area in which the property is located.

Applicant  
Response

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- e. The literal interpretation and strict application of this applicable provisions or requirements of this Chapter 14 would cause an extreme hardship.

Applicant  
Response

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- f. The requested variance would be consistent with the spirit and purpose of this Chapter 14 and the City of Brookhaven Comprehensive Plan text.

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Applicant  
Response

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Applicant \_\_\_\_\_ Date \_\_\_\_\_  
Signature \_\_\_\_\_  
Amount \_\_\_\_\_ Map Reference \_\_\_\_\_  
Receipt # \_\_\_\_\_ Zoning District \_\_\_\_\_  
Date Received \_\_\_\_\_ Dev. File # \_\_\_\_\_

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Type of Variance Granted \_\_\_\_\_  
14-37 Grading \_\_\_\_\_  
14-38 Erosion Control \_\_\_\_\_  
14-40 Stormwater Management \_\_\_\_\_  
14-42 Water Quality Control \_\_\_\_\_  
Comments \_\_\_\_\_

\_\_\_\_\_  
Action Taken \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Date \_\_\_\_\_

\_\_\_\_\_  
Community Development Director